

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**     )

**Plaintiff,**                                     )

**v.**   )

**SEYMOUR A. IRBY III, et al.,**         )

**Defendants.**                                 )

**CIVIL ACTION 04-0762-WS-M**

**ORDER**

This matter is before the Court on the defendants' motion to amend answer. (Doc. 28). The deadline for filing motions to amend the pleadings passed on April 22, 2005, (Doc. 13, ¶ 5), and the defendants have neither requested and obtained an extension of time from the Magistrate Judge nor represented that the plaintiff has no objection to their untimely motion. Accordingly, the motion to amend is **denied**. The defendants' amended answer, (Doc. 29), which was filed without leave of Court, is **stricken**.

DONE and ORDERED this 19<sup>th</sup> day of September, 2005.

s/ WILLIAM H. STEELE  
UNITED STATES DISTRICT JUDGE